05/11/07

51

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6620 of 2007

PETITIONERS

1. Dau Lal Uike, S/o Shri Sukh Ram Uike Age about 51 years, Head Master, Govt. Middle School, Badegouri, Distt. Kanker (C.G.)
2. Lila Ram Netam, S/o Shri Vide Singh Netam, Age about 52 years, U.D.T.Govt. High School, Bharritola, Distt. Kanker (C.G.)
3. Ishwari Verma, S/o Shri Pyari Ram Verma, Age about 56 years, Asstt. Teacher, Govt. Primary School, Padampur, Distt. Kanker (C.G.)
4. Hinchha Ram Verma, S/o Shri Mansa Ram Verma, Age about 59 years, Asstt. Teacher, Govt. Middle School, Kariha Distt. Kanker (C.G.)
5. Moti Ram Thakur, S/o Shri Nand Lal Thakur, Age about 50 years, Lecturer, Govt. G.Hr. Sec. School, Charama, Distt. Kanker (C.G.)
6. Devendra Kumar Verma, S/o Shri Kunu Ram Verma, Age about 50 years, U.D.T. Govt. Middle School, Badegouri, Distt. Kanker (C.G.)
7. Shiv Prasad Netam, S/o Shri Bhagirathi Netam, Age about 52 years, U.D.T. Govt. Middle School, Anvari, Distt. Kanker (C.G.)
8. Shankar Lal Thakur, S/o Shri Prit Ram Thakur Age about 52 years, Asstt. Teacher, Govt. Primary School, Khairvahi, Distt. Kanker (C.G.)
9. Vide Singh Shori, S/o Shri Jagat Ram Shori, Age about 54 years, U.D.T. Govt. Middle School, Sirsida, Distt. Kanker (C.G.)
10. Gouram Kaushik, S/o Shri Dau Ram Kaushik, Age about 52 years, U.D.T. Govt. Middle School, Ratesasra, Distt. Kanker (C.G.)
11. Ghanshyam Singh Gota, S/o Shri Kunwar Singh Gota, Age about 53 years, U.D.T. Govt. Middle School, Charbhata, Distt. Kanker (C.G.)
12. Bhagat Ram Badai, S/o Late Shri Ram Ramdhan Badai, Age about 51 years, U.D.T. Govt. Gr. Hr. Sec. School, Charama, Distt. Kanker (C.G.)
13. Chandrashekhar yadav, S/o Shri Prabhu Ram Yadav, Age about 52 years, U.D.T. Govt. Hr. Sec. Boys School, Charama, Distt. Kanker (C.G.)

14. Kanhaiya Singh Thakur, S/o Shri Dariyav Singh Thakur, Age about 52 years, U.D.T., Govt. Hr. Sec. School, Lilejhar, Distt. Kanker (C.G.)
15. Preet Ram Kange, S/o Shri Guha Ram Kange, Age about 52 years, U.D.T., Govt. Middle School, Chapeli, Distt. Kanker (C.G.)
16. Amrit Lal Kange, S/o Late Shri Dhan Singh Kange, Age about 53 years, Asstt. Teacher, Govt. Primary School, Kashipur, Distt. Kanker (C.G.)
17. Purushottam Singh Som, S/o Shri Ram Som, Age about 50 years, U.D.T., Govt. Hr. Sec. School, Puri, Distt. Kanker (C.G.)
18. Narad Ram Kange, S/o Manglu Ram Kange, Age about 53 years, U.D.T., Govt. Middle School, Kariha, Distt. Kanker (C.G.)
19. Lakhan Lal Netam, S/o Shri Tulsi Ram Netam, Age about 53 years, Asstt. Teacher, Govt. Primary School, Ratesara Distt. Kanker (C.G.)
20. Sudarshan Sahu, S/o Shri Prabhu Ram Sahu, Age about 53 years, Head Master Janpad Primary School, Urdkurda, Distt. Kanker (C.G.)
21. Smt. Indira Athnere, S/o Shri Gulab Ram Athnere, Age about 52 years, U.D.T., Middle School, Govindpur (Annapurnapara), Distt. Kanker (C.G.)

Versus

RESPONDENTS

1. State Government of Chhattisgarh, through Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer Distt. Kanker (C.G.)
3. Asstt. Commissioner Tribal Welfare Department, Kanker
4. Treasury, Accounts & Pension Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents on advance copy.

ORAL ORDER
(01.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f., the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) wherein it was held that similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter had travelled to Supreme Court by Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others –Vs- State Govt. of Chhattisgarh & another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications being made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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